

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Gary K. Michelson, M.D.)	
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Serial No.: (Cont. of 10/098,991))	(Group Art Unit: 3731)
)	
Filed: March 16, 2004)	(Examiner: D. Reip)
)	
For: SKELETAL PLATING)	
SYSTEM)	

Box PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR INTERFERENCE UNDER 37 C.F.R. § 1.607

Applicant hereby requests an interference with U.S. Patent No. 6,533,787 to Lenke et al. (hereinafter, "Lenke '787") pursuant to 37 C.F.R. § 1.607(a). A proposed count is attached hereto.

Claims 17-22 of Lenke '787 correspond to claims 1-6, respectively, of the proposed count except the term "staple" has been replaced by the phrase "plate system" in the preamble of each claim. Claims 1-6 of the present application also correspond to claims 1-6, respectively, of the proposed count.

Claim 1 of the proposed count is supported in Applicant's disclosure, for example, on page 38, line 10; page 38, lines 20-25; and in Figs. 76 and 96A. As shown in Fig. 76, plate 1400 includes a first portion (the first plate segment from the left) defining a first aperture 1410 and a second portion defining a second aperture (e.g., the

bottom aperture of the second plate segment from the left in Fig. 76). As shown in Fig. 76, the first and second portions are interconnected by a mid-portion 1440 having a reduced lateral width relative to the first and second portions. The reduced lateral width facilitates bending of the plate along the mid-portion. (Specification, page 38, lines 20-25). Applicant also discloses a prong 3130 (shown in Fig. 96A) that extends from the plate. In Fig. 76, for example, the central opening of the plate adjacent mid-portion 1440 is adapted to receive a prong 3130 that extends from the plate between the first and second apertures adjacent the mid-portion.

Claim 2 of the proposed count is supported in Applicant's disclosure, for example, in Fig. 76, wherein two segments of plate 1400 form an hour-glass shape.

Claim 3 of the proposed count is supported in Applicant's disclosure, for example, on page 38, lines 20-25, which describes that the mid-portion of Applicant's plate facilitates bending.

Claim 4 of the proposed count is supported in Applicant's disclosure, for example, on page 36, lines 26-27, which describe the mid-portion of Applicant's plate as having a "V-notched" shape.

Claim 5 of the proposed count is supported in Applicant's disclosure, for example, on page 36, lines 26-27; and in Fig. 76. As shown in Fig. 76, the mid-portion of Applicant's plate is defined by an opposing pair of inwardly extending notches. As described on page 36, lines 26-27, the mid-portion can have a "V-notched" shape.

Claim 6 of the proposed count is supported in Applicant's disclosure, for example, in Fig. 76. As shown in Fig. 76, plate 1400 permits another one of the prongs to be positioned aside one of the first and second apertures opposite the mid-portion

1440. (See, e.g., Fig. 76, leftmost lower opening in plate 1400).


Applicant submits that the subject matter of claims 1-6 of the proposed count are fully supported by Applicant's original disclosure. The Examiner is requested to declare an interference between the present application and U.S. Patent No. 6,533,787.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Request, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1066.

Respectfully submitted,

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Date: March 16, 2004

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PROPOSED COUNT UNDER 37 C.F.R. § 1.607(a)(2)

1. A spinal plating system, comprising:
 - a plate including a first portion defining a first aperture and a second portion defining a second aperture, said first and second portions interconnected by a mid-portion having a reduced lateral width relative to said first and second portions to facilitate bending of said plate along said mid-portion; and
 - at least two prongs extending from said plate, one of said prongs positioned between said first and second apertures adjacent said mid-portion.
2. The spinal plating system of claim 1, wherein said plate has an hour glass shape.
3. The spinal plating system of claim 1, wherein said plate defines a groove extending laterally across said plate between said first and second apertures to facilitate bending of said plate along said mid-portion.
4. The spinal plating system of claim 1, wherein said mid-portion is defined by at least one inwardly extending notch.
5. The spinal plating system of claim 4, wherein said mid-portion is defined by an opposing pair of said inwardly extending notches.
6. The spinal plating system of claim 1, wherein another of said prongs is positioned aside one of said first and second apertures opposite said mid-portion.